

**INSTRUCTIONS**  
**EBEC-EAL-201 5/2020**  
**INITIAL REGISTRATION STATEMENT**  
**EXECUTIVE AGENCY LOBBYIST/EMPLOYER AND REAL PARTY IN INTEREST**

**ATTENTION FORMER EXECUTIVE BRANCH EMPLOYEES:**

KRS 11A.040(8) prohibits you for one (1) year from the date you leave state employment from lobbying on matters in which you had direct involvement the last thirty-six (36) months of your state employment.

Please complete all sections and all items of the Initial Registration Statement. **Do not leave blanks**

**A. Executive Agency Lobbyist Information**

Provide information requested as it relates to the executive agency lobbyist.

**Item 10. Date of Engagement:** Executive agency lobbyists may be employees of the employer/real party or contract lobbyists. The date of engagement is the date the executive agency lobbyist entered into an agreement for compensation to conduct executive agency lobbying activity on behalf of the employer or real party in interest. "Employees" would not necessarily put the starting date of employment, but the date the employee was assigned the task to conduct executive agency lobbying on behalf of the employer/real party.

**B. Employer Information**

Provide information requested as it relates to the employer.

**Item 4, Employer Contact:** The designated "Employer Contact" serves as the liaison between the Commission staff and the employer as it relates to all matters of compliance and reporting. This individual will be responsible for the completion of the *Updated Registration Statement, Employer of Executive Agency Lobbyist* and payment of the \$500 registration fee both due **July 31** of each year.

**C. Real Party in Interest**

The "real party in interest" is the person or organization on whose behalf the executive agency lobbyist is acting, if that person is not the employer. For example, if the ABC Corporation engages XYZ Government Relations Firm, which, in turn, hires John Smith to, influence decisions or conduct executive agency lobbying on behalf of ABC Corporation: (a) John Smith is the executive agency lobbyist; (b) XYZ Government Relations Firm is the employer; and (c) ABC Corporation is the "real party in interest."

It makes no difference how many parties come between the EAL and the real party in interest. The requirement is the statement must specifically identify the real party in interest, if different from the employer

**Item 4, Real Party In Interest Contact:** The designated "Real Party in Interest Contact" serves as the liaison between the Commission staff and the real party in interest as it relates to all matters of compliance and reporting. This individual will be responsible for the completion of the *Updated Registration Statement, Real Party in Interest* and payment of the \$500 registration fee both **due July 31** of each year

**D. Brief Description of the Executive Agency Decision to Which Engagement Relates DO NOT LEAVE THIS SECTION BLANK**

The description should state the subject matter areas for which the executive agency lobbyist has been engaged. Examples: award of a lease for office space; award of a contract to provide equipment; marketing

products or services to a state agency; award of a personal service contract; attempts to increase/decrease state funding through the budget process; investment/financial services for state retirement accounts or banking services; support proposed legislation for charter schools; appearance before PSC for rate increase; defeat of proposed legislation for corporate tax increase; seeking state grants for child care services, etc.

#### **E. List of Executive Agencies to be lobbied**

Please check the state agency/agencies to which the engagement of the executive agency lobbyist relates meaning those agencies most likely be contacted while conducting executive agency lobbying activity. This listing is subject to change due to reorganization by the governor or laws enacted by the legislature. Add additional agencies not listed in the space provided.

Note: Executive agency officials may require certification from any person seeking the award of a contract, grant, lease, or financial arrangement that the person and his employer are in compliance with KRS 11A.211. The EAL registration card, supplied by the Executive Branch Ethics Commission, will serve as certification.

#### **F. Compensation Disclosure**

“Compensation” means, “any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, as to be rendered, by himself or another” KRS 11A.201(1). Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement.

**Only report compensation that is received or paid for conducting Executive Agency lobbying efforts** and include only payments made to the date of submitting the Initial Registration Statement. If the EAL conducted no executive agency lobbying activity prior to the date of submitting the Initial Registration Statement, the compensation would be listed as “0”. The EAL must report compensation received by both the Employer and the Real Party in Interest, if applicable. The Employer must list any compensation received by the Real Party in Interest, if applicable.

#### **Certification and Signature:**

The *Initial Registration Statement* **must be signed** and certified by both the executive agency lobbyist and the employer designee as to the completeness and accuracy of the Initial Registration Statement. The certification also states that both the lobbyist and employer designee have complied with KRS 11A.236 which states:

#### **11A.236 Prohibition against lobbying on a contingency basis – Exception for incentive compensation plans and placement agents**

(1) Except as provided in subsection (2) of this section, no person shall engage any persons to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded, and no person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission.

(2) Subsection (1) of this section does not prohibit, and shall not be construed to prohibit: (a) any person from compensating his sales employees pursuant to an incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists; or (b) any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. The provisions of this paragraph shall not apply to unregulated placement agents.

**Do not submit registration fees** when filing the *Initial Registration Statement*. The registration fee is paid on an annual basis when the employer/real party in interest files the Updated Registration Statement between the dates July 1 – 31. Both the update statement and the \$500 registration are due July 31 of each year and cover the prior reporting period.

The signed statement may be submitted in original form via hand delivery, regular mail, delivery service, electronically by facsimile/electronic mail using the contact information below, or through an online system established by the Commission.

If you have questions, contact:

Executive Branch Ethics Commission  
Capital Complex East  
1025 Capital Center Drive, Suite 104  
Frankfort, Kentucky 40601  
(502) 564-7954  
FAX (502) 695-5939  
EMAIL: [Jenny.May@ky.gov](mailto:Jenny.May@ky.gov) or [ethicsfiler@ky.gov](mailto:ethicsfiler@ky.gov)